

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 3:06-CR-15
	)	(VARLAN/SHIRLEY)
JAMES POLLARD,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This matter came before the Court on May 1, 2006, for a motion hearing on the defendant's Motion to Suppress Alleged Statement and Memorandum in Support Thereof [Doc. 10] and Motion For Bill Of Particulars [Doc. 11], both filed on March 30, 2006. Assistant United States Attorney Tracy Stone was present representing the government. Attorney Jonathan Moffatt was present on behalf of the defendant, who was not present at the hearing.

At the hearing, Attorney Moffatt made an oral motion to withdraw the Motion to Suppress, due to the response filed by the government [Doc. 13] and further investigation with the agent who was present at the defendant's arrest. Attorney Moffatt, likewise, made an oral motion to withdraw the Motion For Bill of Particulars, stating that based on the response filed by the government [Doc. 14] and the additional discovery that he had received, counsel was fairly apprised, at this point, of the charges against the defendant. Attorney Moffatt, nonetheless, stated that if the case goes to trial, this issue may need to be revisited at a later time. The government had no

objection to the oral motions.

Thus, the defendant's oral motions to withdraw his suppression motion and motion for bill of particulars are **GRANTED**. Accordingly, his pending Motion to Suppress [**Doc. 10**] and Motion for Bill of Particulars [**Doc. 11**] are **DENIED as moot**. However, with regard to the Motion for Bill of Particulars, the Court grants the defendant leave to refile this motion on or before **June 30, 2006**, or the defendant may refile this motion as a Motion *In Limine* on or before **August 7, 2006**. No further pretrial conferences shall be scheduled. The trial of this matter is scheduled to commence on **August 16, 2006, at 9:00 a.m.**, before the Honorable Thomas A. Varlan, United States District Judge.

Accordingly, it is **ORDERED**:

(1) Defendant Pollard's oral motions to withdraw his suppression motion and motion for bill of particulars are **GRANTED**;

(2) Defendant's Motion To Suppress Alleged Statement And Memorandum In Support Thereof [**Doc. 10**] and Motion for Bill of Particulars [**Doc. 11**] are **DENIED as moot**;

(3) Defendant is granted leave to refile his Motion for Bill of Particulars on or before **June 30, 2006**, or defendant may refile this motion as a Motion *In Limine* on or before **August 7, 2006**; and

(4) No further pretrial conferences shall be scheduled.

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge